

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEIDRA M. ROPER a/k/a “Spinderella”,	§	
and SPINDERELLA	§	
ENTERTAINMENT, LLC,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 3:19-cv-01651-S
	§	
CHERYL JAMES-WRAY a/k/a	§	
CHERYL JAMES, SANDRA DENTON,	§	
JAMES MAYNES, AND S & C	§	
PRODUCTIONS, INC.,	§	
	§	
Defendants.	§	

**AGREED MOTION TO PERMIT PLAINTIFFS TO FILE A SECOND AMENDED
COMPLAINT AND TO EXTEND DEFENDANTS’
RESPONSIVE PLEADING AND BRIEFING DEADLINES**

Pursuant to Federal Rules of Civil Procedure 15(a)(2) and 6(b), Plaintiffs Deidra M. Roper and Spinderella Entertainment, LLC (together, “Plaintiffs”) and Defendants Cheryl James-Wray a/k/a Cheryl James, Sandra Denton, James Maynes, and S & C Productions, Inc. (together, “Defendants”) (collectively, Plaintiffs and Defendants are the “Parties”) request that the Court: (1) grant Plaintiffs leave to file a Second Amended Complaint on or before November 6, 2019 (two weeks after the scheduled court-ordered mediation); and (2) extend the deadline for Defendants to file a Reply in Support of Defendants’ Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3), and 12(b)(6)¹ or file a new motion to dismiss or answer in

¹ See Dkt. No. 30.

response to Plaintiffs' First Amended Complaint² or, if filed, Plaintiffs' Second Amended Complaint, to November 20, 2019.

On August 2, 2019, the Court entered an order requiring the parties to mediate this matter.³ The mediation is set for October 23, 2019. Defendants filed the Motion to Dismiss on August 5, 2019.⁴ Plaintiffs, on August 26, 2019, filed: (1) Plaintiffs' First Amended Complaint; and (2) Plaintiffs' Response and Objection to the Motion to Dismiss (the "Response").⁵ In their Response, Plaintiffs contend, among other things, that the Motion to Dismiss is moot given the filing of Plaintiffs' First Amended Complaint.⁶ Plaintiffs wish to file a Second Amended Complaint if this matter is not resolved at mediation. The filing of a Second Amended Complaint would likely render briefing on the Original and First Amended Complaint moot.

Defendants' current deadline to file: (1) a Reply in Support of the Motion to Dismiss; and (2) a motion to dismiss or an answer in response to Plaintiffs' First Amended Complaint, is September 9, 2019 (the "Deadline"). Pursuant to Rule 15, Plaintiffs may not file another amended complaint without leave of court or without opposing party's written consent.

To avoid potentially unnecessary expense and time briefing motions to dismiss complaints that are likely to become moot given the impending Court-ordered mediation set for October 23, 2019, and Plaintiffs' desire to further amend their complaint, the Parties request that the Court: (1) grant Plaintiffs leave to file a Second Amended Complaint on or before November 6, 2019

² See Dkt. No. 33.

³ See Dkt. No. 27.

⁴ See Dkt. No. 30.

⁵ See Dkt. Nos. 33 and 34.

⁶ See Dkt. No. 33.

(fourteen days after the completion of mediation); and (2) extend Defendants' Deadline to November 20, 2019.

Respectfully submitted,

FOX ROTHSCHILD LLP

/s/ C. Dunham Biles

C. Dunham Biles

State Bar No. 24042407

David Grant Crooks

State Bar No. 24028168

Two Lincoln Centre

5420 LBJ Freeway, Suite 1200

Dallas, Texas 75240

Tel: 972-991-0889

Fax: 972-404-0516

cbiles@foxrothschild.com

dcrooks@foxrothschild.com

ATTORNEYS FOR DEFENDANTS

THOMPSON & KNIGHT LLP

/s/ Paul K. Stafford

Paul K. Stafford

State Bar No. 00791716

Sydne K. Collier

State Bar No. 24089017

1722 Routh Street, Suite 1500

Dallas, Texas 75201

Tel: 214-969-1106

Fax: 214-999-1500

paul.stafford@tklaw.com

sydne.collier@tklaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that on September 6, 2019, Defendants served a true and correct copy of the foregoing on all known counsel of record via the Northern District of Texas CM/ECF filing system.

/s/ C. Dunham Biles

C. Dunham Biles